

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LARRY J. WEBSTER,

Petitioner,

vs.

S.W. ORNOSKI, Acting
Warden of the California State Prison
at San Quentin,

Respondent.

No. CIV S-93-0306 LKK DAD DP

DEATH PENALTY CASE

**SCHEDULING ORDER REGARDING
FURTHER EVIDENTIARY
PRESENTATION**

This capital habeas action came before the Court on July 25, 2007, for a status conference. Having considered the written materials submitted in connection with the status conference, and after hearing from the parties, and good cause appearing, IT IS HEREBY ORDERED as follows:

1. With regard to the ineffective assistance of counsel at penalty phase claim: the parties will attempt to complete the deposition of trial counsel William Owen and the depositions of the three designated experts by September 21, 2007. At the status conference scheduled for September 26, 2007 at 9:00 a.m., the parties will be prepared to discuss (1) whether any additional evidentiary presentation or witness testimony is necessary on the IAC penalty phase claim and (2) a possible briefing schedule.
2. With regard to the appellate process claim:

1 A. On or before December 31, 2007, the parties shall file with the court and serve
2 upon each other the following with respect to the appellate process claim:

- 3 a. A list of witnesses;
4 b. Direct testimony by declaration;
5 c. Designation of witnesses whose further testimony will be submitted by
6 deposition;
7 d. Designation of witnesses intended to be called at the evidentiary hearing;
8 e. Copies of exhibits; and
9 f. Any documents submitted under Rule 7 of the Rules Governing § 2254
10 cases.

11 B. On or before January 14, 2008, the parties shall file with the court and serve upon
12 each other:

- 13 a. Any response, opposition or objections to the witness designations; and
14 b. Designation of rebuttal witnesses.

15 C. Depositions of the witnesses shall be completed by April 18, 2008.

16 D. April 30, 2008 at 9:00 a.m.: Status conference to assess whether in-court
17 testimony is necessary and to address any disputes or problems.

18 E. June 11, 2008 at 10:00 a.m.: in court evidentiary hearing (if necessary).

19 3. With regard to the insufficient narrowing claim:

20 A. On or before May 30, 2008, the parties shall file with the court and serve upon
21 each other the following with respect to the insufficient narrowing claim:

- 22 a. A list of witnesses;
23 b. Direct testimony by declaration;
24 c. Designation of witnesses whose further testimony will be submitted by
25 deposition;
26 d. Designation of witnesses intended to be called at the evidentiary hearing;
27 e. Copies of exhibits; and

28 /////

f. Any documents submitted under Rule 7 of the Rules Governing § 2254 cases.

B. On or before June 13, 2008, the parties shall file with the court and serve upon each other:

a. Any response, opposition or objections to the witness designations; and

b. Designation of rebuttal witnesses.

C. Depositions of the witnesses shall be completed by July 31, 2008.

D. August 13, 2008 at 9:00 a.m.: Status conference to assess whether in-court testimony is necessary and to address any disputes or problems.

E. September 10, 2008 at 10:00 a.m.: in court evidentiary hearing (if necessary).

4. This Scheduling Order supercedes the previously issued scheduling orders.

DATED: August 2, 2007.


DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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submitted by:

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